

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

No. 22-cv-2454

BELEAF LLC, ANTONIO GARDNER,
and JASON GARDNER,

Defendants .

ORDER SETTING ASIDE CLERK'S ENTRY OF DEFAULT

Before the Court is Defendants BeLeaf, LLC and Antonio Gardner's September 13, 2022 Motion to Set Aside Clerk's Entry of Default. (ECF No. 13.) Plaintiff does not oppose the Motion. (ECF No. 15.) For the following reasons, the Motion is GRANTED.

Under Federal Rule of Civil Procedure 55(c), a court may set aside an entry of default for good cause. In the federal courts, there is a "strong policy in favor of deciding cases on their merits," Shepard Claims Serv., Inc. v. William Darrah & Assocs., 796 F.2d 190, 194 (6th Cir. 1986), and "[j]udgment by default is a drastic step which should be resorted to only in the most extreme cases," United Coin Meter Co. v. Seaboard Coastline R.R., 705 F.2d 839, 845 (6th Cir. 1983).

Defendants represent that they are unfamiliar with litigation. (ECF No. 13 at PageID 40.) Defendants diligently sought counsel but were unable to obtain representation until shortly before the filing of their Motion. (Id.) Given the short delay and the absence of prejudice to Plaintiff, Defendants have shown good cause to set aside the entry of default.

Defendants' Motion to Set Aside Clerk's Entry of Default, ECF No. 13, is GRANTED. The default is set aside. Defendants are ORDERED to respond to Plaintiff's complaint within fourteen days of the entry of this Order.

SO ORDERED this 12th day of October, 2022.

/s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE